

+UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

VS.

J. LUZ RAZO-ESPINOZA,

Defendant.

CASE NO. 1:09CR00321-001

ORDER ADOPTING REPORT AND RECOMMENDATION AND ACCEPTING PLEA

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing of J. Luz Razo-Espinoza which was referred to the Magistrate Judge on August 18, 2009, with the consent of the parties.

The government, on July 15, 2009, filed a one-count Indictment charging defendant with Illegal Reentry After Deportation in violation of 8 USC Sec. 1326(b)(2). Defendant was arraigned on July 20, 2009, before the undersigned and entered a plea of not guilty to the Indictment. On August 20, 2009, Magistrate Judge McHargh received defendant's plea of guilty to the Indictment and issued a Report and Recommendation on August 21, 2009, concerning whether the plea should be accepted and a finding of guilty entered. Neither party submitted objections by September 24, 2009, to the Magistrate Judge's Report and Recommendation.

On de novo review of the record, the Magistrate Judge's Report and Recommendation is adopted. Defendant is found to be competent to enter a plea and to understand his constitutional

rights, is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently and voluntarily.

Therefore, Defendant J. Luz Razo-Espinoza is adjudged guilty to Count 1 of the Indictment in violation of 8 USC Sec. 1326(b)(2).

IT IS SO ORDERED.

Dated: November 4, 2009

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE